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CLERK AND RECORDER BY: *James A. LaSalle*

FEE: \$0.00

ORDINANCE NO. 14

RAVALLI COUNTY DOG ORDINANCE**1. STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote public health, safety and general welfare in the unincorporated areas of Ravalli County by regulating the control and containment of "at large" and "vicious" dogs and by allowing for the destruction of vicious dogs and establishing penalties for Owners who allow their dog(s) to run at large or own a vicious dog(s).

2. JURISDICTION

This Ordinance is adopted pursuant to the authority granted to the County under MCA §§ 7-23-2108 and 7-23-2109 applies to the unincorporated areas of Ravalli County. Any violation of this Ordinance is a misdemeanor as defined in MCA § 45-2-101(41).

3. DEFINITIONS

- A. **"Owner"** – any person or authorized agent who owns, harbors or keeps a dog, or any person responsible for the temporary care of a dog.
- B. **"Dog"** – any of the various species of family canidae and includes males, females, and neutered animals.
- C. **"Livestock"** – any animal defined in Montana statutes as livestock including but not limited to domesticated poultry, chickens, ducks, geese, ostriches, rheas, emus, rabbits, swine, cattle, sheep, goats, horses, llamas, elk, deer, moose, bighorn sheep, buffalo, or any other animal raised for purposes such as food, animal by-products or profit.
- D. **"Vicious Dog"** – a dog that bites or attempts to bite any human being without provocation or that worries, harasses, chases, bites, or attempts to bite any livestock, domestic pet, or hoofed game animal.
- E. **"At Large"** – any dog off the premises owned or under the control of the dog's Owner or the premises of another person consenting thereto and not under the immediate control of its Owner or authorized agent of its Owner, either by leash, tether,

lead, or other physical control devise, or voice restraint and/or signal control of a person capable of controlling, subduing, or restraining the dog; or by complete confinement within or upon a vehicle with permission of the vehicle Owner. Dogs controlling or protecting livestock or in other related agricultural activities, and a police service dog engaged in the lawful performance of its duties are to be excluded from this definition and this ordinance.

- F. **"Worry"** – to cause to feel uneasy in the mind, trouble, bother, pester causing anxiety or vexation; or to harass by tearing, biting, snapping, shaking, or pulling at with the teeth
- G. **"Harass or Harasses"** – worries, chases, or runs after livestock in a manner that may lead to subsequent injury to that livestock
- H. **"Officer"** – the sheriff, deputy sheriff or other person specifically designated to perform the duties set forth in this ordinance
- I. **"Competent Authority"** – a justice of the peace, acting justice of the peace, or district court judge
- J. **"Confinement or Confined"** – as used in this ordinance, confinement means the animal shall be placed in a structure or enclosure that prevents the animal's escape. Sufficient warning of the danger posed by the dog shall be given to the public or any person who is authorized or given license to enter or approach the enclosure.

4. Enforcement

- A. The Ravalli County Sheriff's Office shall investigate to determine if the dog in question is at-large or vicious as defined in this ordinance.
- B. If a dog bites any person while off the Owner's property, this shall constitute prima facia evidence that the dog is vicious.
- C. If as a result of the investigation the Officer finds probable cause a violation has occurred, he may issue a citation charging the Owner with violation of this ordinance and ordering the Owner to appear in a court of proper jurisdiction. The Officer may at the time of issuing the citation impound the dog pending resolution of the charges.

5. Procedure

- A. The Justice Court for Ravalli County shall hear any charges filed pursuant to this Ordinance in conformity with the rights and procedures afforded all persons charged with a misdemeanor under MCA Title 46.
- B. The Court upon initial appearance may order the Owner charged to confine the dog at the Owner's expense pending resolution of the charge(s). Failure of the Owner to abide by the court's order of confinement shall constitute contempt of court as defined in MCA § 3-10-401 and is punishable by one day in jail and/or a \$100.00 fine for each day the Owner fails to abide by the order.

6. Dogs Running At Large

- A. Any Owner of a dog who allows the dog to run at large is guilty of a misdemeanor punishable as provided in this Ordinance.
- B. Any at large dog may be detained by any person and shall only be released to the Owner or an Officer at the discretion of the person detaining the dog.
- C. Any dog detained by an Officer or released to an Officer as provided in subsection (B.) may be impounded pending resolution of any charges.
- D. Any at large dog held in detention may be humanely destroyed after notice to the Owner and the Owner refuses to retrieve the dog or if the Owner is unknown, after notice is published in the lost and found classified section of the Ravalli Republic for three consecutive days, describing the dog, where it was captured and who to contact, and no one claims the dog.
- E. In addition to any penalty imposed, upon a finding of guilt on the offense of allowing a dog to run at large, the Owner is responsible for all reasonable costs associated with the capture, detention, impound and destruction of the dog and/or any reasonable damages caused by the dog while at large.

7. Vicious Dogs

- A. Any Owner who owns or harbors a vicious dog is guilty of a misdemeanor punishable as provided in this Ordinance.
- B. Any dog that is determined by a competent authority to be a vicious dog shall be destroyed. The Owner shall have the dog destroyed in a humane manner at the Owner's expense. Failure to abide by the Court's order shall constitute contempt of court as defined in MCA § 3-10-401 and is punishable by one day in jail and/or a \$100.00 fine for each day the Owner fails to abide by the order.
- C. Any dog while at large that bites or attempts to bite any person without provocation shall be deemed a vicious dog and may be immediately destroyed and the head of the dog shall be submitted to an appropriate diagnostic laboratory unless deemed unnecessary by a competent authority. Any cost to capture, destroy and/or test shall be paid by the Owner upon a finding of guilty under this ordinance.
- D. Any dog while at large which worries, harasses, chases, bites or attempts to bite any living livestock, domestic pet, or hoofed game animal shall be deemed a vicious dog and a public nuisance and may be destroyed in the same manner as provided in MCA § 81-7-401 which reads as follows:

MCA § 81-7-401. Killing of dogs harassing, destroying, or injuring stock -- notice to owner -- penalty

(1) As used in this section, "harasses" means worries, chases, or runs after livestock, including ostriches, rheas, and emus, in a manner that may lead to subsequent injury to the livestock.

(2) A dog, whether licensed or not, that, while off the premises owned or under control of its owner and on property owned, leased, or controlled by the livestock owner, harasses, kills, wounds, or injures livestock not belonging to the owner of the dog is considered a public nuisance and:

(a) may be killed immediately by the owner of the livestock or an agent or employee of the owner; or

(b) the owner of the dog, when reasonably notified after due process, shall kill the dog within 24 hours of notification. If the owner fails to do so, an officer may be notified and shall kill the dog or cause the dog to be killed.

(3) A dog may not be killed in a manner that will endanger a person.

(4) This section does not apply to a dog herding livestock under the direction of its owner or the agents or employees of its owner.

(5) This section does not apply to a dog engaged in legitimate sport hunting or predator control activities under the direction of its owner or the agents or employees of its owner.

(6) The owner of a dog that harasses, kills, wounds, or injures livestock is guilty of a misdemeanor and upon conviction shall be fined not more than \$500

- E. No dog may be destroyed when it is the finding of the competent authority that any of the following facts existed:
1. The dog was properly confined and the injured party breached its enclosure.
 2. That the injured party or another person with the injured party provoked the dog.
 3. That the dog was protecting its Owner.
 4. That the dog was acting under the orders of its Owner.

8. Penalties

- A. Any Owner convicted of an offense under this Ordinance is guilty of a misdemeanor punishable by a fine up to \$500.00 or imprisonment in the Ravalli County Jail up to six (6) months or any combination of the two.

B. Costs and Restitution: Upon conviction, in addition to any fines or jail time imposed, the Court may also impose upon the Owner any reasonable costs and/or restitution allowed under Montana law or under this ordinance.

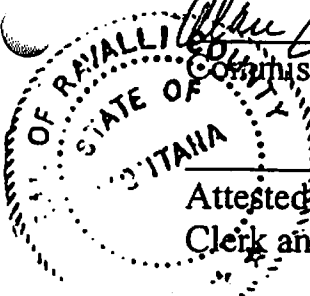
9. Other Laws

Nothing contained within this ordinance shall affect any rights to seek other civil or criminal remedies as provided in Montana law.

10. Effective Date

The effective date of this Ordinance shall be the 26th day of November, 2000.

APPROVED AND PASSED AT FIRST READING THIS 12th DAY OF Oct., 2000 BY THE RAVALLI COUNTY BOARD OF COMMISSIONERS, RAVALLI COUNTY MONTANA.

 Alan Thompson Commissioner Matthew J. [Signature] Commissioner _____ Commissioner
Betty T. Lund
Attested by _____
Clerk and Recorder for Ravalli County, Montana

APPROVED AND PASSED AT SECOND READING THIS 26th DAY OF Oct., 2000 BY THE RAVALLI COUNTY BOARD OF COMMISSIONERS, RAVALLI COUNTY MONTANA.

Alan Thompson Commissioner Shirley Warren Commissioner _____ Commissioner
Betty T. Lund
Attested by _____
Clerk and Recorder for Ravalli County, Montana

